

**U.S. BANKRUPTCY COURT**  
**Western District of Wisconsin**  
**SECTION 341 MEETING PROCEEDING MEMO AND**  
**STANDING CHAPTER 13 TRUSTEE'S REPORT**

**IN RE:**

Name: Daniel Addison Kimber Smith

Case # 25-10953

**Debtor Information:**

SS#: XXX-XX-2125

Addr: 4361 Eagle Ridge Lane #2  
Windsor, WI 53598

County: DANE

**Spouse Information:**

SS#:

Addr:

County:

Debtor's Attorney: NOE RINCON

341 Meeting Date: 05/21/2025

Adjourned 341 Date:

Tape #: 31

Date Filed: 04/23/2025

Schedules Filed:

Plan Filed: 05/16/2025

Amd Plan Filed: 05/16/2025

**Appearances:** Debtor: WDL,SS, y

Attorney: y

Creditors: \_\_\_\_\_

**1. INFORMATION WHICH WOULD MAKE DEBTOR'S STATEMENTS AND SCHEDULES MORE ACCURATE:**

A. New Employment: \_\_\_\_\_

B. New Address: \_\_\_\_\_

C. Other: \_\_\_\_\_

add a 401k amt

**2. ELIGIBILITY / DEBT ANALYSIS:**

A. Eligible under Section 109(e)? Y

B. Analysis of Scheduled Debt:

Attorney	3,369.00
Unsecured	264,293.83
Priority	218.00
Refund	0.00
Secured	3,949.03
Case Costs	0.00
Total Debt	<u>271,829.86</u>

C. Does Debtor have Regular Income? Y

D. Prior Bankruptcies: 20-11002 Ch7 filed in Wisconsin Western on 04/07/2020, Standard Discharge on 07/13/2020

E. DSO's: Y

Notices Sent

F. Tax Returns

\_\_\_\_\_

Tax Year	Income	Refund Due	Federal Tax Return		State Tax Return		EIC	Other	Other 1
		Trustee	Received On	Refund Amt	Received On	Refund Amt	Amount	Amount	Amount
2024	95,911.00	231.00		-40.00		271.00	0.00	0.00	0.00

G. Self Employment

Is Debtor Self Employed? N

Does Debtor Incur Trade Debt? Y \_\_\_\_\_ N \_\_\_\_\_

Did Debtor Complete Business Trade Questionnaire? Y \_\_\_\_\_ N \_\_\_\_\_

Will a Monthly Operating Report be Required? Y \_\_\_\_\_ N \_\_\_\_\_

3. MONTHLY BUDGET:	Budgeted Income	4402.83	Available for Plan	326.29
	Budgeted Expenses	4076.54	Plan Payments	282.01
	Available for Plan	326.29	Excess	44.28

A. Does Budget appear reasonable? N

- INCOME ON PAY ADVICES & MEANS TEST SIGNIFICANTLY HIGHER (\$1000+) THAN SHOWN ON SCHED I DUE TO BONUS. ANNUAL? - not since filing. Change in March; raise 1% 5k bonus, likely

- SCHED I DOES NOT INCL ANY INCOME FROM BONUS. ~\$354/MO NET LOW

-LIVES WITH FIANCE AND SHARES EXPENSES ALTHO SCH J EXPENSES FOR DEBTOR AND DEP ARE HIGH - \$1000 FOOD+\$225 PERSONAL CARE +\$150 RECREATION, , \$300 CHILDCARE/EDUC, \$500 MEDICAL (NO ADDL MED ON MEANS TEST)- trying to get some things taken care of tooth implant, eye surgery, also several hundred a mo medical exp

-PAYS \$1170/MO DSO BUT DEP LIVES WITH DEBTOR

B. Means Test: Is all disposable income applied? (Sec 1325(b)(1)(B)) Y

-60 MO PLAN. NET MDI UNCERTAIN DUE TO \$5500 ATTY FEES, IF REDUCED TO \$4500, NET MDI IS \$5480.80m PROJ=\$7300 FOR UNSEC. - \$3300 and paid will review

-Tee TO PAY #55/MO TOWARDS STUDENT LOAN DEBT - yes ,

-SOFA#18 SALES OF COLLECTIBLE TRADING CARDS, INFO SCANT, WHAT WERE FUNDS USED FOR? - no, that was in error was in 2020 ch 7 , still has amount on AB but no recent sales or dealings

-SOFA# 6 PD \$5791 TO NON-STUDENT LOAN UNSEC CREDITS (HEARTLAND CU AND UW HEALTH) PRIOR TO FILING

C. Will debtor be able to make all payments under the plan and comply with the plan? (Sec 1325(a)(6)) Y

-SCH E DELQ TAXES, ADDRESSED FOR FUTURE? yes

4. PLAN:

A. Number of months the Plan is expected to last: 60

Payment Start	Payment End	Payment Amount	Frequency	Source
5/23/2025	5/16/2030	130.16	BIWEEKLY	DEBTOR

B. Total to be paid into the Plan:16920.80

C. Approximate percentage to Unsecureds:0

D. Source of Income: HSA BANK

Spouse income:

E. Wage Order Sent To: HSA BANK - FIRST PYMT DUE 5/23, NOTHING PENDING ON TFS, HAS EMPLOYER STARTED W/H?-

F. Payments received to Date: \$0.00N

Will debtor commence payments within 30 days after the plan has been filed?N

G. Has the plan been proposed in good faith and not any means forbidden by law? (Sec 1325(a)(3))

If "No", plan cannot be confirmed.

H. Attorney Fee Requested5500.00Paid to Date:2131.00

Balance Due Under Plan3369.00Approximate months to pay:27.00

Trustee recommends amount requested?N

If no, amount the Trustee recommends:

I. Does the Plan Properly Classify Debts?Y

-VEH LIEN PROVIDED BY D ATTY SHOWS LIEN PERFECTION 5/5/25 (POST FILING) - IS THERE PRE-FILING LIEN PERFECTION?- was reaffirm from ch 7

J. Does the plan provide for curing of default or payment in full of Secured Debt? (Sec 1325(a)(5))Y

K. Does the plan provide for full payment of Priority Debt?Y

L. Was a Liquidation			
Analysis Provided By the Debtor? (Sec 1325(a)(5))		<u>Under Chapter 7</u>	<u>Under Chapter 13</u>
N	Assets:	22510.19	Total Paid To Plan:16920.80
	Admin, Security:		A.S.P. Debt:7536.03
	Priority (ASP)	7536.03	Less Direct:0.007536.03
	Exemptions:	19132.63	Trustee Fee on Net A.S.P.:593.45
	Available for UnSec:	-4158.47	Amt Avail for Unsec:8791.32
Unsecureds Do Better Under Chapter: 13			

5. CLAIMS AND OBJECTIONS

Direct Claims

WISCTF

Claim Ref Number:18

Reason:

Objection Filed? No

Scheduled for:0.00

Scheduled as: DIRECT

Filed for:0.00

Filed as: Not Filed

Filed date:

Secured

EXETER FINANCE LLC

Claim Ref Number:16

Reason:2017 Subaru Legacy

Objection Filed? No

Scheduled for:3,949.03

Scheduled as: Secured

Filed for:0.00

Filed as: Not Filed

Filed date:

**Priority**

INTERNAL REVENUE SERVICE	Scheduled for:	218.00	Filed for:	0.00
Claim Ref Number: 17	Scheduled as:	Priority	Filed as:	Not Filed
Reason:			Filed date:	
Objection Filed?	No			

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US BANKRUPTCY COURT	Scheduled for:	0.00	Filed for:	0.00
Claim Ref Number: 4	Scheduled as:	Case Costs	Filed as:	Not Filed
Reason:			Filed date:	
Objection Filed?	No			

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DEBTOR	Scheduled for:		Filed for:	
Claim Ref Number: 2	Scheduled as:	Refund	Filed as:	Refund
Reason:			Filed date:	4/23/2025
Objection Filed?	No			

  

DEBTOR	Scheduled for:	0.00	Filed for:	0.00
Claim Ref Number: 3	Scheduled as:	Refund	Filed as:	Not Filed
Reason:			Filed date:	
Objection Filed?	No			

**Attorney**

NOE RINCON	Scheduled for:	3,369.00	Filed for:	
Claim Ref Number: 1	Scheduled as:	Attorney	Filed as:	Not Filed
Reason:			Filed date:	
Objection Filed?	No			

**6. TRUSTEE RECOMMENDATIONS:**

Does Trustee Recommend Confirmation?      N

-\$5500 TOTAL ATTY FEES, JUSTIFY OR REDUCE

Trustee Comments:

{ 3A, 4F, 4H, 4J }

- missing: pre-petition veh lien perfection
- INCOME ON PAY ADVICES & MEANS TEST SIGNIFICANTLY HIGHER (\$1000+) THAN SHOWN ON SCHED I & SCHED I DOES NOT INCL ANY INCOME FROM RECURRING BONUS.
- ~\$354/MO NET LOW
- No plan pmts - MTD filed, last day to obj 6/17

Date Completed: 05/29/2025	/s/
	Mark Harring
	Standing Chapter 13 Trustee